

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Bjornerud *et al.*
Application No. : 10/018,026
Filing Date : June 11, 2002
Art Unit : 3736
Title : Method of Magnetic Resonance Imaging
Examiner : Ruth S. Smith
Docket No. : NIDN-10403

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Commissioner for Patents
PO Box 1450
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SUBSTITUTE APPEAL BRIEF IN RESPONSE TO A
NON-COMPLIANT NOTIFICATION

Madam:

This is in response to a Notification of Non-Compliant Appeal Brief (“Notification”) mailed October 27, 2010.

Per the Notification, Appellants respectfully submit only complete and newly amended pages 1 and 2 specifically pertaining to sections III and V in response to the Notification for reasons set forth under 37 CFR 41.37 (c)(1)(iii) and 37 CFR 41.37 (c)(1)(v).

I. REAL PARTY IN INTEREST

The party in interest in this Appeal is GE Healthcare, Inc., a part of General Electric (“GE”).

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences related to the instant appeal.

III. STATUS OF CLAIMS

Claims 24-29, 32 and 33 are pending in the present application. The Examiner has rejected all of these claims. Claims 24-29, 32 and 33 as amended during prosecution are reproduced in the **Claims Appendix** attached hereto. Appellants are appealing the rejection of Claims 24-29, 32 and 33.

IV. STATUS OF AMENDMENTS

A final Office Action was mailed on February 17, 2010. No claims have been amended thereafter.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 24 describes a method of magnetic resonance imaging of a kidney in vascularized human or non human body comprising the steps of:

administering into the vasculature of said body a bolus of a blood pool MR contrast agent;

generating a contrast enhanced MR image of said kidney during the first pass of said contrast agent;

generating at least one further MR image of said kidney after the concentration of said contrast agent throughout the blood of said body has become substantially uniform-thereby allowing both visualisation and gradation of renal artery stenosis and quantification of renal perfusion.

Support for this claim can be found on page 4, line 10 to page 6, line 8 of the specification.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues for review in this appeal arise from an Office Action dated April 17, 2010.

Claim 24 stands rejected under 35 USC § 102(e) as being anticipated over Mistretta (6,381,486).

Claims 24 and 32-33 stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta et al. (Mistretta”) in view of Stark et al (“Magnetic Resonance Imaging”) and further in view of Schurfeld et al. (“Renovascular hypertension”) or Lerman et al.

Claims 25-27 are rejected under stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta in view of Stark alone or further in view of Schurfeld or Lerman in view of Berg.

Claim 28 is rejected under stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta in view of Stark alone or further in view of Schurfeld or Lerman and in further view of Fischer.

Dated: November 18, 2010

Respectfully submitted,

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Amended Appeal Brief
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